

LAUSTE KION JOHNSON
Name
HDS P
P.O. Box 650
Indian Springs, NV 89070
#82138
Prison Number

Entered _____
COUNSEL/PARTIES OF _____
MAR 16 2018
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Laustekion Johnson, Plaintiff,
vs.
SDCC, Jo. Gentry,, "FIRST AMENDED COMPLAINT"
JAMES DZURENDA, JAMES, CIVIL RIGHTS COMPLAINT
Cox, BRIAN WILLIAMS, Garfield, PURSUANT TO
John Doe Dentist #1, JURY TRIAL DEMANDED
John Doe Dentist #2,
Defendant(s).
CASE NO. 3:17-cv-00039-MMD-WGC
(To be supplied by the Clerk)

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Laustekion Johnson
(Print Plaintiff's name)

who presently resides at HDS P, were
violated by the actions of the below named individuals which were directed against

Plaintiff at HDS P and SDCC on the following dates
(institution/city where violation occurred)

8/28/15 - Present, 8/28/15 - Present, and 8/28/15 - Present
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant J. Gentry resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Warden of SDCI. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: as Warden

3) Defendant James Deverda resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Director of MDC. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: as Director

4) Defendant Brian Williams resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Warden of MDC/SDCI. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: as Warden

5) Defendant James Cox resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as as Director of MDC. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: as Director

6) Defendant John Doe Dentist resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Hospital Dentist _____ This defendant is sued in his/her
(defendant's position and title, if any)
Individual Official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: as John Doe Dentists.

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1333 (a)(3) and 42 U.S.C. § 1983. If you wish
to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

1) Plaintiff, Lausterian Johnson is an inmate currently confined at HOSP, and should scheduled to be transferred back to SDCC any day because he beat all of his write-ups that got him sent over here HOSP. Plaintiff is suing all named Defendants in both their individual and official capacities Plaintiff informed Defendants Cox, Drucker, Williams, and Gestey of all of the below mentioned conditions of Confinement starting on or around 9/20/15, and they refused to correct them.

2) BUNK BEDS / BOTTOM BUNK - The Bunk Beds at SDCC are extremely hazardous for inmates assigned to the Top bunk, because the top bunk is about 5 foot, 5 inches high. So due to the construction of the coils and beams, it makes it extremely dangerous for Plaintiff everytime he gets on or off of the Top bunk because there are no ladders to climb up and down. Therefore Plaintiff is forced to jump up and down off of a 5'5 bunk, which is extremely dangerous to jump down from

C. CAUSE OF ACTION

Because of the height, and one is jumping down to a concrete floor, which naturally caused daily pain to his feet, legs, knees and back, and ankles, elbows and arms.

Plaintiff has suffered extreme pain in multiple parts of his body. More than most inmates because he has been diagnosed with atrophy and arthritis in his left knee and in his back. So he's only supposed to be housed on a bottom bunk. Because defendants have refused to house him on a bottom bunk, he has to suffer extreme pain, repeatedly, daily, from being forced to jump up and off of the 5'5" ^{bunk}, everyday, which causes pain to the atrophy and arthritis injuries to his knee and back. This everyday process, causes pain and injury to his legs, feet, ankles, and arms of Plaintiff. Any day could cause a fatal injury.

3) VENTS/ASBESTOS/MESOTHELIOMA, The Ventilation system at SDCC Repeatedly has asbestos in them due to the time that they were constructed. This causes tumors, blood clots, and cancer.

4) OTHER CONDITIONS OF CONFINEMENT. Defendants are in Double Ceiling Plaintiff in a cell designed for a 2-man cell, (2) which makes the cell's hotter because 2 men are confined in an innately small space, (3) there is "No adequate day rooms" as spec. Because when inmates leave their cells, they are locked in a hallway, locked in by a gate. Once one walks out his cell, he immediately steps into a hallway, which defendants have forced SDCC inmates to use as a doorway/hallway. But it wasn't designed to be a doorway, it only adds to the dehumanization. But it wasn't designed to be a doorway, it only adds to the hostilities that contributes to a hostile environment created by defendants.

The hallways are very small, narrow, congested, extremely hot, dirty, with strong foul smells. There are no chairs in these wings. About 74 inmates are forced to sit on a "Concrete Floor" to read, play cards or board games, for 10½ hours a day and 73.5 hours a week, which has caused pain and injury to plaintiff's ankles, legs, knees, back and neck. This forces plaintiff to choose between never really leaving his cell or choosing to suffer more injuries, more pain, but sitting on a concrete floor. The wings are about 15-Yards long, with 7 foot units about 74 people crammed into this small space, behind a metal gate.

All of these collective and combined conditions create an extremely hostile environment, which cause high tension and many undocumented fights due to lack of VISUAL SUPERVISION. There is typically only 1 officer working in a unit of 3-wings, of about 212 inmates.

(4) There are no "Emergency Medical Buttons" located inside of the cell(s), that would allow inmates to alert staff when they are having medical episodes or if they are being physically attacked, assaulted, or repeat by their cellmates, which are all common occurrences at SDCC. 98% of all assaults, of all kinds, go UNREPORTED because there are no emergency intercoms inside of the cells, and they are locked behind a gate when they do come out of their cells.

(5) There are NO cleaning supplies. These defendants do not provide cleaning supplies for the cell, even though there is a vermin infestation of rats, roaches, spiders, and ants in excess. This has deprived him of the tools needed to maintain minimally sanitary cells, which personally threatens his health. And it leaves

The cells to be filthy.

(6) Due to the design of SDCC and the Ventilation System is inadequate. The air doesn't blow to the end of the cells adequately, which makes it extremely hot and unbearable hot in the cells closest to the back of the wings.

(7) Lack OF VISUAL SUPERVISION: Because of the structured design and lack of cameras, it is impossible for SDCC to have adequate supervision of all inmates, which leads to the code of Silence — see no evil, hear no evil

(8) CATS IN THE VENTS: as admitted by Williams and an everyday reality for SDCC inmates. There are cats in the Ventilation Systems. They live there. They urinate and defecate in the Vents which has caused Plaintiff breathing problems for a year and a half

(9) BLACK MOLD: The showers at SDCC in units 1, 3, 4 & have BLACK MOLD in them which threatens Plaintiff's health

(10) NO HOT WATER: Typically, every week at SDCC, in units 1, 3, and 4, the Hot water would completely go out on Friday, and stay out until Tuesday. So Plaintiff and SDCC inmates only have ICF COLD WATER to shower with, even in the Winter time which caused Plaintiff to get sick repeatedly, could have caused him to catch pneumonia and die, because he's taking ICF COLD Showers 5 days a week.

"LACK OF HOT WATER IN SHOWERS AFFECTS BOTH PERSONAL HYGIENE AND ABILITY TO CLEAN and violates THE 8TH AMENDMENT." CARTY v. Ferrell, 957 F.Supp. 727, 736 (D.V.I. 1997).

From Friday to Tuesday, for 2 years, Plaintiff had to suffer through ICF COLD showers in the Summer and Winter, which caused him to get SICK multiple times, affected his health, caused pain, and has been unable to adequately clean his eating utensils (cups, spoons, bowls), unable to adequately wash himself, without hot water.

(11) INADEQUATE FIRE SAFETY SYSTEM: SDCC's fire safety plan is inadequate because it was designed in the 1970's. There are no sprinklers inside of the cells or even on the wings, at SDCC, no HVAC-system or evacuation plan for when fires occur.

(12) MENTAL HEALTH CARE: Even though Defendants Garofalo, Cox, Dickey, Williams and Cartry, was informed in around August of 2015 that he was severely mentally ill, as someone who has PTSD (Post Traumatic Stress Disorder), anti-social disorder, etc. They refused to provide him Mental Health Care at all, in the form of 1 on 1 Counseling sessions. Plaintiff is not the type of mentally ill person who's treatment requires medication according to now staff. The prescribed treatment is 1 or 2 Counseling sessions, which Plaintiff requested from these defendants and they all denied it for 2 years, which cause his condition to become exacerbated.

5.) DENTAL: Plaintiff discovered a hole in his molar teeth, in his upper left side of his mouth, which caused extreme pain, so in October of 2015 he informed John Doe Dentist at SDCC, Williams Cop and Descender of this serious medical need, the pain and need for treatment, but they repeatedly denied him by saying "we will put you on a list to be treated" but never put him on any list to be treated in 2015, ~~2016 & 2017~~ or 2018. Williams, Gentry, John Doe Dentist #2 was again informed as HOSP when he was transferred to HOSP in August May of ~~2017~~, that he was S&H NEVER treated in his teeth with the whole in it. That it has continuously been getting worse, and is in daily extreme pain, and he requested to be treated. They have S&H 3 Years later S&H REFUSED to treat him even though he have been repeatedly, informed of this serious medical need, and pain associated with it. This has exacerbated this condition.

COUNT I

The following civil rights has been violated: 8th (Eight) Amendment of the U.S. Constitution - Cruel and Unusual Punishment, Denial Of Medical Care, Deliberate Indifference, Tolerance of Conditions

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

(1) Plaintiff re-alleges and incorporates by reference, all allegations made in paragraphs 1-8 as if fully restated herein.

2) Plaintiff contends that the following listed tolerance of conditions constitute a condition of Confinement Violated the 8th Amendment PLANIFF BECAUSE to these Defendants affect the below issues, starting in August of 2015 and he Refuses to correct it. Defendants Gentry, Cox, Dicenardo, Williams, Two Dog Deatist #1 and #2, Garsdoh, all Violated the 8th Amendment by subjecting Plaintiff to the following Conditions of confinement; (1) Forcing him to be on the Top bunk, when he informed them and they knew he had atrophy and Arthritis, thought it caused extreme pain and injury to his knee, back, ankles, legs, arms, neck, no latteas on the bunk so he had to jump down 5 feet, repeatedly, multiple times a day, causing extreme pain to elbow, arms, legs, etc., ankles, legs, Bone back,

(2) By having asbestos in the vent, which caused cancer and tumors, Infecting him to Cancer, and health risks.

(3) By Double celling him in a one-man cell, that is so small that only 1 man can walk the floor at a time without bumping into each other. But forces naturally cells for both inmates to be on the floor at the same times, causing them to bump into each other —

other. Causing and increasing tensions and hostilities and causing Plaintiff, inmates to fight each other. (8) The two men confined, no such small cells caused it to be better in the cells which adds to tensions (8) NO DAY ROOM. Defendants force Plaintiff to sit on a hard concrete floor for 10 1/2 hours a day because they don't really provide a day room and don't provide chairs so they are forced to sit on a concrete floor, everyday, for 10 1/2 hours a day which causes pain to his back, neck, knees, legs and ankles, causing a hostile environment that leads to fist fights.

(7) By Keeping Plaintiff and inmates locked behind Gates in a hallway, like animals, which causes hostilities, anger, leads to fights.
 (8) Lack of Visual Supervision when they have already created a hostile environment and no cameras, which allows inmates to be comfortable with fighting, assaulting and raping other inmates at SDCC because the inmates are aware that there is virtually no Visual Supervision of inmates while they are around the buildings so there's a 99% success rate of getting away with assaulting and raping each other.

(9) There are no Emergency Medical Botters located outside the SDCC which for which SDCC inmates would be able to alert SDCC of medical episodes or of safety and security issues, like that he's being assaulted or raped by his cell mates. Because there are no Emergency Medical Botters, through out the day there should be no locked doors and the gates should be opened, like never-prison. This makes SDCC inmates feel like SDCC officials condone prison justice. For they have adopted a "Buy's will be big" philosophy.

(10) These Defendants don't provide cleaning supplies for inmates to clean their cells, which causes the cells to be filthy, which also creates hostilities. Plaintiff has a right to clean his cell.

(11) The Defendants have allowed an "inadequate ventilation" system which doesn't allow air circulation to reach the cells toward the back of the cells which causes those cells to be extremely hot and unbearable to live in. The cells were so hot that Plaintiff couldn't even think when he was inside of the cell.

(12) Defendants have allowed cats to live in the vents, which has caused breathing problems and caused Plaintiff get sick more times in a year do a half, than he has gotten sick in the past 9 years.

(13) Because SDCC inmates are always locked behind a gate, it creates a lack of visual supervision of inmates, which exposes inmates to unavoidable risk of harm, because inmates know that it very unlikely that they will get caught assaulting an inmate because there is only 2% of supervision of SDCC inmates.

(14) NO HOT WATER. By subjecting Plaintiff and SDCC to "Ice cold showers" and only ice cold water inside of the cells 5 days (4 1/2) days every week which also has contributed to him becoming sick. He unable to wash his bedding utensils, cups, or bowls out with hot water. Unable to wash his hands and ice cold showers in summertime. They have been even more hazardous in the winter.

(15) Inadequate Fire Safety System because it's not up to modern standards. There are no fire sprinklers inside of the cells or on the roof. And we will likely die or be subjected to unnecessary pain and injury because we are always locked inside of a 15 yard - behind a closed gate, and no HUAC.

11.) Defendants Gentry, Williams, Cox, Gravette, Drueckley, all Violated the 87th Amendment by Denying Plaintiff, who is documented as mentally ill, denied him mental health care of I am I Counseling Sessions, as prescribed by NDOC medical to treat his Mental Health Conditions. These defendants were Repeatedly informed and reminded of that fact that he had a serious mental health condition since October of 2015 and desperately needed Mental health treatment of I am I Counseling Sessions to ease his symptoms in substance. They repeatedly refused treatment which caused his conditions to become exacerbated.

12.) Defendants Gentry, Williams, Cox, Drueckley, Tom-Doe Defendants #1 and #2 Violated the 87th Amendment by denying him dental care repeatedly for 3-years, even though he repeatedly started informing these defendants in October of 2015 that he had a hole in his upper Molar tooth that was causing extreme pain, requiring immediate treatment. These defendants still have refused to treat him 3-years later. This is extreme pain. He repeatedly reminded Drueckley, Williams, and John Doe Dentist #2 at HOSP, of his crooked molar tooth and early pain in his tooth and request for treatment date 2-17 and 2018 and they refuse to treat him. Plaintiff's tooth has decay more hard has been in pain for 3-years.

outline).

a) Defendants: N/A

b) Name of court and docket number: N/A

c) Disposition (for example, was the case dismissed , appealed or is it still pending?):
N/A

d) Issues raised: N/A

e) Approximate date it was filed: 1/14

f) Approximate date of disposition: N/A

2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?
Yes No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: N/A

b) Name of court and case number: N/A

c) The case was dismissed because it was found to be (check one): frivolous
malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: N/A

e) Approximate date it was filed: 1/14

f) Approximate date of disposition: N/A

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: N/A

b) Name of court and case number: N/A

c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: _____ *mta*

e) Approximate date it was filed: _____ *7/1/16*

f) Approximate date of disposition: _____ *7/1/16*

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____ *mta*

b) Name of court and case number: _____ *mta*

c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: _____ *mta*

e) Approximate date it was filed: _____ *7/1/16*

f) Approximate date of disposition: _____ *7/1/16*

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? Yes No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.
If your answer is "Yes", provide the following information. Grievance Number 3006.
Date and institution where grievance was filed 7/1/16.

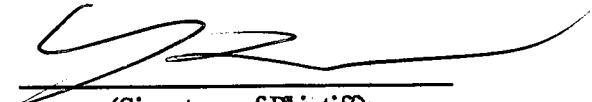
Response to grievance: _____ *mta proper*

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

1) \$80,000.00 in Compensatory Damages, 2) \$80,000.00 in Punitive Damages, 3) \$40,000.00 in Mental and Emotional Injury.
4) Injunctive Relief to fix the problems named herein.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.



(Name of Person who prepared or helped prepare this complaint if not Plaintiff)

(Signature of Plaintiff)


3/12/18

(Date)

(Additional space if needed; identify what is being continued)

LAWTEK FEDERAL TELMEX #82188

M.D. & P

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